

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj
New Delhi – 110003

Dated: 27th December, 2023

To

The Addl. Chief Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Sub: Proposal for seeking prior approval under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Mahanadi Coalfields Limited for non-forestry use of 417.073 ha & Re-diversion (Change of Land use) of 171.774 ha forest land in respect of Integrated Lakhanpur-Belpahar-Lilari Opencast Project of Lakhanpur area in district Jharsuguda in Odisha– (Online proposal No. FP/OR/MIN/39355/2019) reg.

Madam/Sir,

I am directed to refer to the State Government of Odisha's letter No. FE-DIV-FLD-0142-2021-20500/ FE&CC dated 24.11.2021, letter no. 9084/9F (MG)-372/2021 dated 29.04.2022, letter No. 13830/9F (MG) 372/2021 dated 11.07.2023 and vide letter No. 21861/9F (MG) 372/2021 dated 08.11.2023 on the above subject seeking prior approval of the Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980. The proposal was considered by the Advisory Committee (AC) in its meeting held on 29.11.2023 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section - 3 of the aforesaid Act.

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Advisory Committee, and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords '**in-principle**' approval under Section - 2 of the Forest (Conservation) Act, 1980 in favour of M/s Mahanadi Coalfields Limited for non-forestry use of 417.073 ha & Re-diversion (Change of Land use) of 171.774 ha forest land in respect of Integrated Lakhanpur-Belpahar-Lilari Opencast Project of Lakhanpur area in district Jharsuguda in Odisha subject to fulfilment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. *Status of the court cases booked against the MCL shall be provided.*
3. **Compensatory Afforestation:**
 - a. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation as per the approved CA Scheme at the current wage rate in consultation with State Forest Department in the

- account of CAMPA of the concerned State through online portal;
- b. The land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act. 1927 or under the relevant Section (s) of the local Forest Act, as the case may be, before the Stage-II approval;
 - c. The cost of survey, demarcation and erection of permanent pillars, if required on the identified CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;
 - d. The compensatory afforestation over non-forest land, equal in extent to the forest land being diverted i.e. 417.073 ha, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;
 - e. Afforestation on degraded forest land to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost under the supervisions of the State Forest Department and afforestation will be done within three years from the date of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department;
 - f. User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 meter from outer perimeter of the mining lease. The plan for plantation and SMC activities will be prepared and submitted to MoEF &CC before Stage-II Clearance;
 - g. 25% of the CA cost additionally will be spent towards soil and moisture conservation activities in the proposed CA area as per site requirement and deposited in CAF;

4. NPV:

- a. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned;
- b. At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- c. *The penalty for reported violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with five (5) times the NPV plus 12 percent simple interest till the deposit is made. The required admissible*

amount shall be paid by the UA.

5. Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
6. The KML files of diverted area, the CA areas, the proposed SMC treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to Stage-II approval;
7. Following activities, as per approved plan / schemes, shall be undertaken in the lease area by the User Agency under the supervision of the State Forest Department. Approved scheme/plan shall be submitted to the Ministry along with compliance of Stage-I approval:
 - a. Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three years with effect from the issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department;
 - b. Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
 - c. Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - d. Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28o; and
8. **Safety Zone Management:** Following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per relevant guidelines issued by the Ministry's guidelines:
 - a. User agency shall ensure demarcation of safety zone (7.5-meter strip all along the inner boundary of the mining lease area), and its fencing, protection and regeneration by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the. State Forest Department;
 - b. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - c. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department;
 - d. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
9. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan;
10. The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such

- tanks/water bodies. A detailed approved plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC before Stage-II approval;
11. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
 12. Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;
 13. The User Agency shall undertake that afforestation of the non-mineralized virgin forest land within the mining area shall be taken up at project cost;
 14. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
 15. A site-specific Wildlife Management Plan shall be prepared by the State Government in consultation with the PCCF (Wildlife) for the protection and conservation of wildlife of the area. A copy of approved Plan shall be submitted to the Ministry along with the compliance of Stage-I approval. Entire cost of implementation of the provisions of the Wildlife Management Plan shall be deposited into the account of CAMPA of the State;
 16. State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence, along with compliance of Stage-I approval, as prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
 17. The User Agency shall undertake that user agency and the State Forest Department shall create and maintain from funds to be provided by the user agency alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project as per the plan duly approved by the Principal Chief Conservator of Forests (Wildlife) and the Chief Wildlife Warden Odisha. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
 18. The User Agency shall undertake that the project authority needs to take up works for construction and cleaning of garland drains, stabilizing retaining walls, proper terracing of OB dumps and checking gully formation resulting in soil erosion;
 19. The User Agency shall undertake that plants which are having lowest translocation factor can be preferred under afforestation on the OB dumps and fruit trees to be avoided in planting during biological stabilization of OB dumps;
 20. The User Agency shall undertake that prevention of fall of wild animals into mining pit by fencing the open pit area;
 21. The User Agency shall undertake that the angle of repose in OB dumps to be maintained to ensure stability and safety;
 22. The User Agency shall undertake that vetiver grass can be planted at the lower reaches of the dump to bind the soil and prevent soil erosion giving better stability to the dump;
 23. The User Agency shall undertake mining in a phased manner after taking due

care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the concern Addl. Principle Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;

24. The User Agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;
25. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
26. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
27. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
28. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS coordinates;
29. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
30. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
31. No damage to the flora and fauna of the adjoining area shall be caused;
32. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
33. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife; and
34. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
35. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC

dated 28.03.2019.

36. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

3. After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours Sincerely,

Sd/
(Charan Jeet Singh)
Scientist 'D'

Copy to:

1. PCCF (HoFF), State Forest Department, Government of Odisha, Bhubaneswar
2. PCCF & Nodal Officer (FCA), O/o PCCF, State Forest Department, Government of Odisha, Bhubaneswar
3. DDGF (Central), Regional Office of MoEF&CC at Bhubaneswar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi
6. Guard File.